

**Village of Airmont
Planning Board Meeting
May 23, 2019
Village Hall
7:30pm**

Members Present: John Cornelius, Chairman
Dennis Cohen
William Philip
Joseph Toss
Ken Rosen, Ad Hoc
Joel Shandelman, Ad Hoc

Others Present: Dan Kraushaar, Deputy Village Attorney
Adriana Beltrani, Village Planner
Eve Mancuso, Village Engineer
Lou Zummo, Building Inspector
Suzanne Carley, P&Z Clerk

Others Absent: Shlomo Pomeranz, Fire Inspector
Russell Hock

The meeting was called to order at 7:30 pm followed by the pledge of allegiance and roll call. Chairman Cornelius appointed Ken Rosen a voting member for the evening. Chairman Cornelius noted that if an applicant has not been heard by 11:00pm that they will be put on next month's agenda.

**ALLEGRO- 10 S. DEBAUN AVENUE
Request for 90 day extension of final site plan approval**

Applicant Nate Braecher present to request an extension of final site approval. He explained that they went to their final CDRC Meeting however they need more time to finalize items. Dennis Cohen made a motion to give the applicant a 120 day extension of their final site plan to ensure it would be enough time for them to complete everything. Chairman Cornelius seconded it. All in favor motion carries.

**ASCENSION CEMETERY
650 Saddle River Road
Funeral Gazebo with Service Walk
Amended Site Plan**

Steven Secon, licensed Architect discussed the 200+ acre property and the need for a gazebo with a walkway for additional services. They went to the ZBA on 4/11/19 and received their 1 ft variance in height for the gazebo and a variance for an additional accessory structure.

Joseph Toss asked if there were any lights on the structure and Steve advised that there would not be. Chairman Cornelius opened the public hearing at 7:45pm. Joseph Toss seconded it all in favor. There were no comments from the public. A review of all the comment letters to be read into the record for compliance as follows:

- Comply with GML review letter dated 2/27/19 from RC Planning
- Comply with the NY State DEC comment letter dated 3/26/19
- Comply RC Environmental Health letter dated 2/25/19
- Comply with RC Highway letter dated 2/7/19
- Comply with RC Sewer letter dated 2/11/19
- Respond to Chestnut Ridge letter dated 2/6/19 and provide copy to the Village for the file
- Comply with RC Drainage dated letter 3/11/19
- Comply with the comments from the Village Planner's letter dated 2/28/19
- Comply with comments from Village Engineer's letter dated 5/22/19 for perc test and minor plan revisions as part of a condition of approval
- Storm water Management Agreement recorded with schedule of maintenance and security payable to the Village of Airmont.
- Payment of inspection fees as determined by the Village Engineer.
- Payment of all professional fees.
- Subject to any conditions of the variances granted by the Airmont ZBA#269 provided in Article IV §210-45 (e) height and Article III §210-14(a) number of structures of the Code of the Village of Airmont.
- The applicant was referred to the Community Design Review Committee (CDRC) and they will review the plans prior to the Chairman's endorsement of the map

It was noted that SEQR was completed as a Type II with no further action. Chairman Cornelius made a motion to close the Public Hearing at 8:52pm. Joseph Toss seconded it. All in favor.

Chairman Cornelius made a motion to approve the amended site plan for Ascension Cemetery located at 650 Saddle River Road. Ken Rosen seconded it. All in favor. No opposed Motion carries unanimously.

PANERA INC
15-17 N. Airmont Road
Subdivision, Amended Site Plan

Joshua Sewald noted that they added the sidewalk area as requested, lighting specifications, a supplemental traffic analysis showing a good level of service. He noted that they are looking for SEQRA and a referral to the ZBA. Dennis Cohen asked what levels the traffic study was at which Joshua advised a level C. Nelson Pope the Village's outside traffic consultant also reviewed the supplemental traffic report and was in agreement with it and felt it was satisfactory.

The Village Planner noted that there was no part 2 needed on the EAF Assessment and that there were minimal impacts. She prepared a draft of a negative Declaration and noted the bulk of her comments were addressed.

The Village Engineer noted that they committed to the Storm Water Management at the site that was noted in her letter. The new owner will put in a swale and have regular maintenance. The new sidewalks were addressed. She saw no SEQRA issues as Panera agreed to the cross access agreements, storm water maintenance agreement.

The Village Planner noted that the subdivision creates some pre-existing non-conformities which is why they need to get variances. Dennis Cohen raised that the function of the restaurant has not been used in a number of years. Dan Kraushaar noted it relates to the use of a structure site and the restaurant, this is not a decision element.

Chairman Cornelius made a motion to open the public hearing at 8:10pm for any comments. Joseph Toss seconded it. There were no comments. Chairman Cornelius made a motion to continue the public hearing to a date uncertain to be re-advertised due to the timing concerns with the subdivision and site plan and default approval until the public hearing is closed. Dennis Cohen seconded it. All in favor.

The Village Planner read the Notice of Intent into the record and the part 2 of the EAF. The letter from the Fire Inspector dated 5/23/19 was read into the record with conditions to any negative declaration. The Village Planner noted that the Negative Declaration can be a conditional Negative Declaration if the PB so chooses. She also noted that the supplemental traffic study dated 5/22/19 was adequately reviewed by Nelson Pope Traffic. The Nelson Pope letter dated 5/22/19 was also addressed any concerns along with the Fire Inspector concerns. Both Villages consultants agreed that there were no issues. Dennis Cohen noted that the Fire Inspector is not a traffic consultant and that #9 of the Fire Inspector memo not be part of a conditional Negative Declaration. Chairman Cornelius made a motion to declare this an unlisted action and grant SEQR. Dennis Cohen seconded it. All in favor. None opposed all in favor.

Chairman Cornelius made a motion to refer Panera Inc to the Village of Airmont ZBA for the variances that they have applied for and need pursuant to the Building Inspectors determination and should those variances be granted they are to return to the PB for site plan and subdivision approval. Dennis Cohen seconded it. All in favor motion carries.

PANERA INC
15-17 N. Airmont Road
Sign Plan

Joshua Sewald, Engineer from Dynamic Engineering representing the applicant noted that there were no changes to the previous submission. Chairman Cornelius opened the public hearing on the signs of the Panera Bread. Dennis Cohen seconded it.

Chairman Cornelius made a motion to close the public hearing for the sign application. Ken Rosen seconded it. All in favor none opposed motion carries. Chairman Cornelius made a motion to refer the application for sign permit to the Village of Airmont ZBA pursuant to the Building Inspectors determination and should those variances be granted they are to return to the PB for final sign plan and approval. William Philip seconded it. Non opposed. All in favor motion carries.

RUBIN
48 S. Airmont Road
Proposed tree removal plan with redesign
of rear yard to address storm water

Applicant represented by Zoe Shivley from Yost Designs for the landscaping architecture and Rachel Barese from Civil Tech engineers for the engineering and storm water. She explained that the applicant took down 13 trees without a permit for pool installation and received a stop work order. The Village has a tree permit ordinance where only 3 trees per year can be removed with an arborist report and

approval from the Building Inspector. They went to 3 CDRC Meetings prior to PB discuss their tree removal plan and storm water requirements. They are re-designing their entire backyard. They are here before the PB for a tree removal plot plan. The applicant hired a landscape design artist and engineer for drainage and a storm water plan. Originally they wanted to take down 48 trees but they re-worked the plans for 36 trees in total.

Chairman Cornelius made a motion to approve the 13 previously pre-existing trees that were cut down on the basis of the following:

- PB Clerk to obtain 3 estimates for the PB to review on behalf of the Village by an outside licensed and certified arborist that the PB and the Building Inspector will review.
- Arborist to evaluate and recommend the caliber, species and number of trees of what it would take to replace the 13 significant trees already removed without permission. (ie 35 new trees = 13 removed)
- See what would be required to replace in kind the 23 additional trees that the applicant's arborist is recommending to remove. Do these 23 additional trees actually warrant removal?
- Requested the applicant to revisit/redesign the plan to see if they can remove less than 36 trees in total since the 13 already removed were significant trees (larger trees; diameter 24" +)
- Justification and details on each of the trees they plan to remove (ie size, caliber, species, type etc.)
- Details on what the compensatory number and type of trees to replace each of these trees actually is and to inclusive of the 13 already removed. Right now they propose to plant 112 trees.
- The Planning Board will choose the arborist and direct the applicant to put money in escrow to retain the services. Dennis Cohen seconded the motion, all in favor. Motion carries.

Chairman Cornelius opened the public hearing. Ken Rosen seconded it. All in favor. The neighbor Jane Jones at 46 S. Airmont Avenue noted that she had concerns about the 36 trees being removed and the potential drainage. She noted that she had to call the police in the past for signing and chanting at 1:30 am and code enforcement for noise issues. She is concerned about the potential noise issues going forward. She also wanted to ensure that the home will still be a single family residence not a camp. Lastly she mentioned an issue with the trash and dead trees in the front of the property. The Building Inspector affirmed that there were property maintenance violations as well.

Chairman Cornelius made a motion to continue the public hearing to a date uncertain and that it will be re-advertised in the Journal News and mailings to a 500 ft. buffer around the property be done at the appropriate time. Joseph Toss seconded it. All in favor. Motion carries.

AIRMONT TRUST
9 N. Airmont Road
Proposed Automotive Restoration/Refurbishment
Shop & Wrestling School
Amended Site Plan

Ken Moran Attorney representing the applicant for a proposed automotive restoration/refurbishment shop and wrestling school at the former Rockland Stairs location near Bagel Boys. The proposed changes are in the rear and they have submitted a revised site plan. The wrestling school use falls under a school of special instruction. The wrestling school will be for Jr. & Sr. HS students. The automotive restoration is for high end cars brought in on a flat bed. Most parts are not available in the US so it will take time for them to get there to be repaired. No body work and no painting will be done on premises. This is primarily for dealers or car collectors. The wrestling school will have 10-12 students at a time in class and would be on the second floor. The only purpose is to train, no meets, no buses, kids will be dropped off and the hours are approximately 3- 8:30pm. Chairman Cornelius asked if there were any showers or locker rooms which are not proposed.

Automotive section of the building will have access thru the front entrance and a second access in the rear. Dennis Cohen asked the approximate number of cars of which Ken Moran replied 30. He asked if there were lifts and what the maximum would be and Ken responded 64 with lifts and stacks. Hours of operation 7:30am – 8pm with five employees. There will not be any paint for chemicals stored which was asked of Member Philip. Dennis Cohen asked if there would be weekend hours and the response was once in a while 3-4 hours on a Saturday but its mainly a 5 day a week business. Ken Moran noted they are only asking for a change in the tenant use.

The number of parking spaces was discussed which needs to be reviewed along with the lifts, handicap spaces etc. Ken noted that they would be asking for a 25% waiver maximum based on existing office space. Ken noted that if more would be required they would need a variance and have to come back. A discussion of storing the cars no more than 72 hours was brought up.

The Village Engineer noted that she would like to see the original approved site plan and look at the conditions as what was submitted was an amended. The bulk table also needs to be reviewed. The loading zone needs to be labeled. The applicants representatives need to review the buffer and the section §210-116F of the Village of Airmont's Zoning Code. Signage, directionals entrance also need to be shown. Egress on the site plan needs to reflect the stair case.

The Village Planner noted that a short EAF was done. And that it is a Type II Action requiring no further action however they do need to look at the original site plan and regulations. The need to remove the gate that is still shown on the plan. Signage to show parking in the rear, designate a drop off area as per the GML.

The GML dated 5/23/19 was reviewed and the following was noted:

- #5- 126 was written incorrectly and will correct
- #6- will abide if required otherwise will need an override
- #8 -no exterior storage of materials needs to be added to the site plan as a note and be labeled.
- #12 -Extra parking needs to be addressed as a must in the GML

Snow removal will find a spot on the plan and promise no overflow on N Airmont Rd.

The Fire Inspector letter dated 5/23/19 was read into the record.

Letter from the Town of Ramapo Public works dated 5/8/19

Letter from RC Sewer also read into the record dated 5/3/19

The Planning Secretary will follow up with the DOT, RC Highway and TOR

Chairman Cornelius opened the public hearing at 10:04 pm. Dennis Cohen seconded it all in favor.

Barry Cantrowitz attorney for Bagel Boys noted that this is in operation for over 1 year on a daily basis. His client had issues with parking and they are already utilizing other parking spaces. He supplied pictures that were taken illegally according to Ken Moran because they were taken with a drone. There was a great deal of back and forth arguing. Mark Iodice noted that the garage has an operating C/O.

Dan Kraushaar recommended that the applicant go back to CDRC to discuss the details further. Planning secretary advised that the next CDRC is 6/11/19. Chairman Cornelius made a motion to continue the public hearing for Airmont Trust, 9 N. Airmont Road to Thursday June 27, 2019 at 7:30pm at Airmont Village Hall. Dennis Cohen seconded the motion. All in favor, motion carries.

Chairman Cornelius made a motion to adjourn the meeting at 10:37 pm. Dennis Cohen seconded it. All in favor. Meeting concluded.